THE NEWSLETTER OF THE COMIC BOOK LEGAL DEFENSE FUND

THE COMIC BOOK LEGAL DEFENSE FUND

FEBRUARY 2000
volume 2
#7

BUSTED!©

Losing your voice?

The Comic Book Legal Defense Fund

is a non-profit organization protecting the First Amendment rights of the comics community. Founded in 1986, the CBLDF's guiding principle is that comics deserve the same freedom of expression accorded film, literature, and other media. Thanks to generous support from comics fans and professionals alike, the CBLDF has coordinated and funded the legal defense of more than a dozen First Amendment cases.

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Busted! is a quarterly newsletter for those interested in preserving First Amendment rights. Our goal is to keep such individuals informed of current events and exhibitions.

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A Word from the Director

As a preserver of law and order, censorship is a very blunt instrument. The suppression of thought, however unpopular, is inimical to the free flow of ideas that undergirds our democracy. That is why the First Amendment makes censorship so difficult in this country. American democracy is only as strong as the guarantee of free speech, and it is the patriotic duty of every citizen to uphold the right of their fellows to voice unpopular opinions freely. Those who seek to censor are toying with the bedrock principle of individual liberty at the core of our Constitution. That's a dangerous business.

But there's another problem with censorship. In its most naked form, censorship is simply *rude*. It takes some nerve to stand above your fellow citizen and say, "this is OK. This here, no good." What could be more presumptuous? What surer sign of self-importance, of utter boorishness, than dictating what another adult might read or think? I for one would be embarrassed to question the liberty of my fellow citizen to express himself freely, however misguided or offensive that expression may be. My choice is merely whether to listen to him or not.

Strangely, there is no shortage of nitwits eager to advertise their contempt for free speech, especially where comics are concerned. This issue of *Busted!* features a lengthy survey of anti-comics incidents in just one state, but the kind of things we see in Texas are not unusual across the country. Fortunately, thanks to your support, the CBLDF has never been better prepared to deal with the censors than we are today.

Chris Oarr, Executive Director

TROUBLE IN TEXAS

With the national elections approaching, the Comic Book Legal Defense Fund and other First Amendment groups are gearing up for the busy season. It's no secret that the ebb and flow of censorship incidents is linked to the election cycle. After all, political campaigns decrying the decline in American values are often more successful than those offering complex solutions for poverty, racism, sexism, and other difficult problems. For many politicians, the censorship of material in music, comic books, or on the Internet is an easy way to establish their "law and order" credentials.

All of which still fails to completely explain the recent rash of comics censorship in Texas. In the last three months, the CBLDF has been monitoring no less than five unrelated incidents in all parts of the state. Thankfully, criminal charges have only been filed in one of these cases. What follows is a summary of these events, which run the gamut from isolated complaints to concerted political and police action.

Religious Zealot Casts First Stone, Local Paper Lobs Second, Third

A retailer in southern Texas contacted the Fund following the publication of a fire and brimstone letter in his town newspaper. Beginning "Be thee not deceived!" the letter attacks the comic shop for the "dynamics of deception" it employs to lure innocent children into the store. According to the letter's author, *Pokemon* is the tool by which children are entrapped in a "den of iniquity" where they are exposed to comics with "unwholesome themes and exceptionally sensually alluring covers." After a lengthy tirade, the letter concludes: "Yes, they are comics, not magazines. What young child would pay a lick of attention to a magazine! But put your trash in the form of a comic book and, voila, you've got them!"

The retailer remembers this letter writer's visit to the store quite well, and the comics to which he objected were mainstream superhero titles from DC, Image, and other publishers. In a rage that the owner refused to immediately remove this "filth" from the premises, the customer attempted to convince all of the store's patrons to leave immediately.

The letter appeared in the paper shortly thereafter. Surprisingly, the same letter was reprinted again a few days later. When asked why he had printed such a venomous letter twice over the course of a week, the paper's editor claimed that it was an honest mistake. Then he printed it again.

The CBLDF advised the retailer not to respond to the letter in print. Instead, several of the store's regular customers, including a Baptist minister, came forward with letters of their own in support of the store. While the Fund continues to monitor the incident, no further developments have occurred. Given the writer's histrionic tone, it is uncertain what impact, if any, the letter had on the store's patrons and sales.

Toys 'R' Us Tosses *Dragon Ball Z*

Meanwhile, in Dallas, complaints were made about the content of the hugely popular *Dragon Ball Z* comics. A father purchased a pack of these comics for his 4-year-old son at Toys 'R' Us, only to be horrified by what he described as "borderline soft porn" images of "naked boys and girls" in the comic. He complained to Toys 'R' Us management and the local authorities.

The man's son was a fan of the animated *Dragon Ball Z* television show which airs every afternoon on Cartoon Network. The show is based on the Japanese comic series created by **Akira Toriyama** in 1985. *Dragon Ball Z* has gone on to become one of the most popular comics in the world, and its spin-off videos and television shows have a rapidly expanding global audience.

Like the comic, the *Dragon Ball Z* television show is produced in Japan and aimed primarily at boys ages 10 to 17. However, the television show is edited before broadcast in the States to tone down violence and sexual elements. Toriyama is unwilling to have his original comic work "edited" in a similar manner for US publication.

Daniel Cocanougher of the Fort Worth-based Funimation Productions, which produces the show in the United States, describes the sexual content of the series as "innocent behavior that hints at sexuality. This poses no problem for Japanese audiences, whereas in the United States we seem to not want to discuss it at all."

Dr. Susan Napier, associate professor of Asian studies at the University of Texas in Austin, agrees. "There is just a wider tolerance for sexuality in Japan," she said. "It usually is played out humorously and perhaps titillating in a mild way. It's just a difference in cultural sensibilities."

The boy's father remains unconvinced. "I don't want it to be to the point that when I'm at Toys 'R' Us I have to put everything through a porn-scanner." Toys 'R' Us management apparently agrees: in mid-November, Toys 'R' Us pulled all *Dragon Ball Z* comics from its shelves nationwide.

Police Take Aim at Anime "Menace"

This difference in "cultural sensibilities" sparked an altogether more serious incident in Corpus Christi when police visited at least three comic shops to issue warnings about the sale of anime videos. One of the retailers involved contacted the Fund immediately following the police visit, and he was speaking with CBLDF legal counsel **Burton Joseph** within the hour.

The retailer had been informed by a police lieutenant that it was "illegal" for him to sell any adult anime video tapes. These videos, which are clearly marked with the "Anime 18" age rating, included such films such as *Return of the Overfiend* and the critically-acclaimed *Akira*. At the store in question, all such titles are kept behind the counter and it is store policy to require proof of age before selling these tapes.

There was no clear issue of any such tapes being sold to a minor. According to the police lieutenant, any sale of adult anime was a criminal act. The police further warned that they would be watching the store and would arrest any employees who sold the tapes.

Anime videos for all ages are an important component of the store's sales, as they are across the comics market. Understandably, the retailer was reluctant to simply remove them from the store. Burton Joseph drafted a strongly worded letter to the police lieutenant, reminding him that it was illegal for "law enforcement authorities, on their own initiative, to act as community censors of any written or visual media." Joseph goes on to point out that the lieutenant's activities "violated the constitutional rights of the producer, distributor, retailer, and members of the community who wished to purchase the material you seek to suppress."

Meanwhile, the Comic Book Legal Defense Fund alerted the Texas Civil Liberties Union and the Video and Software Dealers Association about the incident. The Fund also spoke with a number of leading anime experts, including two Texas professors who have written extensively about the role of anime and manga in Japanese pop culture. In addition to opening a very informative dialogue with scholars willing to serve as expert witnesses should the case go to trial, the Fund also secured pledges of support from several of the major US anime distributors.

At press time, no further incidents have occurred. After two months, neither Joseph nor the Fund have received any response from the local police department. It is unknown whether any of the stores in the area were or continue to be under surveillance. The CBLDF remains in contact with the store owner, and stands ready to act should an arrest be made.

Satire No Laughing Matter in San Antonio

San Antonio was the scene of another controversy over comic subject matter. The incident began when *The San Antonio Currant* reprinted a strip by acclaimed alternative comics artist **Dan Clowes**. The two-page strip, which originally appeared in Clowes' long-running series *Eightball,* was a satire of America's obsession with professional sports. It included some fairly graphic depictions of male and female athletes engaged in sex acts.

The strip generated angry reactions from many of the *Currant*'s advertisers and distributors. At least a dozen businesses that carried the free newspaper claim to have thrown out all copies of the issue, and several stopped carrying the paper altogether. Some advertisers also cancelled their contracts because they found the comic offensive.

Meanwhile, the stores which continued to carry the paper saw the issue fly off the shelves. Those curious about the controversial strip scrambled to find the remaining copies. "By the time we knew there was a controversy, the papers were gone" said **Wade Gerlitz**, manager of Half-Price Books. "It obviously got them some publicity." If anything, it appears that actual readership shot up with this issue. While the CBLDF had no direct involvement in this case, we do think it's damn funny.

Poke-Mom Vows Revenge, Retailer Arrested

Recent events in northeastern Texas demonstrate the dangers inherent in what may appear to be an isolated complaint. The CBLDF was contacted in November by a well-respected comics retailer after an article about his store was printed in the local PTA newsletter. Under the headline "Warning! Warning! Warning!," the article advised parents to keep their kids away from the store because "offensive materials, including videos and comics are available for viewing by minors at the location." The story included a note that the shop was under investigation by a member of the city council in response to citizen complaints.

While the store in question is close to an elementary school, the owner has always tried to provide a good atmosphere for young readers. There's a large children's section at the front of the store and a strictly controlled "18 and older" section at the back. Titles racked in the latter section include *Spawn, Sin City,* and all DC/Vertigo books. The store does carry a limited number of more adult titles on a subscription basis.

The store owner was understandably dismayed by the newsletter article and contacted the CBLDF for advice on what response to make. He was unaware of any investigation, nor could he recall any recent complaints made at or about the store. The only incident of note he remembered occurred in September when a mother became upset by the high price of the store's limited selection

(continued on page 6)

CBLDF CONS 2000

MARCH 4-5
Chicago Comicfest, Rosemont IL

MARCH 17-19
Fantasm 2K, Atlanta GA

MARCH 24-26
AggieCon, Texas A&M University

MARCH 25-26
Planet Comicon, Kansas City MO

MARCH 31-APRIL 2
Megacon, Orlando FL

MARCH 31-APRIL 2
I.C.O.N., Stonybrook NY

APRIL 6-9
Wondercon, Oakland CA

APRIL 9-16
Making Waves: The CBLDF Cruise, on the High Seas!

APRIL 15
Small Press & Alternative Comix Expo, Columbus OH

APRIL 28-30
Pittsburgh Comicon, Pittsburgh PA

MAY 19-21
Motor City Comicon, Novi MI

MAY 25-28
Book Expo America, Chicago IL

JUNE 2-4
Project A-Kon, Dallas TX

JUNE 9-11
The All-Time Classic, White Plains NY

JUNE 16-18
Heroes Con, Charlotte NC

JUNE 23-25
Madison Square Garden, NYC

JUNE 29-JULY 2
Dragon*Con, Atlanta GA

JULY 18-23
Comic-Con International & Connections Trade Show, San Diego CA

AUGUST 3-6
Wizard World, Chicago IL

SEPTEMBER 21-24
Small Press Expo & International Comic Art Festival, Bethesda MD

NOVEMBER 25-26
Mid-Ohio-Con, Columbus OH

FOR MORE INFO ON THESE CONS, CHECK OUT OUR SHOW GUIDE AT
www.cbldf.org
OR CALL US AT
1-800-99-CBLDF

CONVENTION REPORT

Mid-Ohio Con is the final stop on the yearly convention trail. The CBLDF wouldn't have it any other way, because thanks to Mid-Ohio promoter **Roger Price** the Fund always ends the year on a high note. Mid-Ohio 99 was certainly no exception, with nearly **$7,000** raised for the Fund.

Mid-Ohio takes place over Thanksgiving weekend and maybe that's why it's such a friendly, convivial con. Many top creators, not to mention thousands of fans, kick off their holidays every year at Mid-Ohio.

The 1999 show was a particularly eventful one with **Harlan Ellison** as the Guest of Honor. Harlan was Harlan, which is to say he shocked, amazed, and entertained fans throughout the weekend. He also led one of the most successful CBLDF auctions in Mid-Ohio history. Wielding the gavel, he raised nearly **$5,000** in just a couple of hours. Highlights included an **Alex Ross** piece that went for **$1,100** and a **Kirby** *Captain America* page that fetched **$500**. Thanks to all the Mid-Ohio guests and dealers who contributed items to this very productive auction. Mid-Ohio 2000 will again take place Thanksgiving weekend (Nov. 25-6), but if you can't wait for a Roger Price production there's always **Big Easy Con** in New Orleans, Memorial Day weekend.

After six years in San Jose, the **Alternative Press Expo** broke out to San Francisco for the start of 2000. The one-day show saw a marked increase in attendance. Cutting edge cartoonists such as **Shannon Wheeler** (*Too Much Coffee Man*), **Darick Robertson** (*Transmet-ropolitan*), **Zander Cannon** (*Top 10*), **Craig Thompson** (*Goodbye, Chunky Rice*), and many more filled the booths as fans flocked to the exhibitors.

The **Last Gasp Party** was the capstone to a wonderful convention. Held at the Edinborough Café, the evening featured a raffle of *Comics 2000* by L'Association, a highly anticipated 2000-page international anthology. All proceeds from the raffle went to the CBLDF, bringing the total raised at the show to **$1,500**.

As anime becomes more important to fans and retailers, so has its importance to the CBLDF (see page 2). Anime and manga dealers face many of the same problems as comic retailers, especially given the cross-cultural issues raised by very different Japanese mores involving violence and sex. With this in mind, the Fund was glad to accept an invitation to **Katsucon 2000**, February 11-13 in Alexandria, Virginia.

The show featured Fund supporter **Yoshitaka Amano**, artist for **Neil Gaiman**'s *Sandman: The Dream Hunters* (see page 7), along with popular artists **Kondom** (*Bondage Fairies*) and **Steve Bennett** (Ironcat Studios). Much of America is still discovering anime thanks to *Pokemon* and *Princess Mononoke*. The diversity of topics can often be surprising to people outside the anime community. "It's only a matter of time before some blue hair sees a plot for the downfall of western civilization in *Golgo 13*, *Sanctuary*, or some other anime classic," said CBLDF director **Chris Oarr**. "I don't have to tell anime fans how important it is to protect freedom of expression." Many artists at the con contributed to the art auction for the CBLDF. Overall, the Fund raised **$2,000** at Katuscon 2K.

SAY ALOHA AT WONDERCON

Wondercon boasts a proud tradition as one of the must-see events on the comics calendar. This year's show (**April 6-9** in **Oakland CA**) will be given an extra dose of wonder at the **Making Waves Aloha Party**, sponsored by **Dark Horse Comics**. Celebrating the CBLDF's first ever fund-raising cruise the day before its departure, this nautical-themed bash will be attended by many of the creators coming on board, including **Frank Miller**, **Matt Wagner**, **Kurt Busiek**, **Dan Clowes**, **P. Craig Russell**, and more. If you can't make the cruise, you can still don your sunglasses and oil up with some of comics' best. What's more, this fundraising party is free to all CBLDF Members.

HARVEYS AT PITTSBURGH

It wouldn't be April without the **Pittsburgh Comicon** (**April 28-30**), which is quickly becoming one of the CBLDF's biggest fundraising events. As always, **Michael** and **Renee George** have a great group of guests lined up, including *Avengers* artist and CBLDF mainstay **George Perez**. Pittsburgh is also the sight of our **Defender of Liberty Award** ceremony, recognizing outstanding efforts to promote free speech in comics. But the big news is that the Pittsburgh Comic con is hosting the **2000 Harvey Awards**. Named after comics legend **Harvey Kurtzman**, this is one of the most respected events in comicdom. The banquet and ceremony will be capped off by a party of wonderfully inebriated proportions.

You Are Cordially Invited to Join

Neal Adams
Brian Azzarello
Kurt Busiek
Zander Cannon
Dan Clowes
Evan Dorkin
Sarah Dyer
Will Eisner
Neil Gaiman
Gilbert Hernandez
Jaime Hernandez
Linda Medley

Frank Miller
Martin Nodell
Brian Pulido
P. Craig Russell
Jeff Smith
Jill Thompson
Adrian Tomine
Matt Wagner
Mark Waid
Chris Ware
and
Judd Winick

aboard

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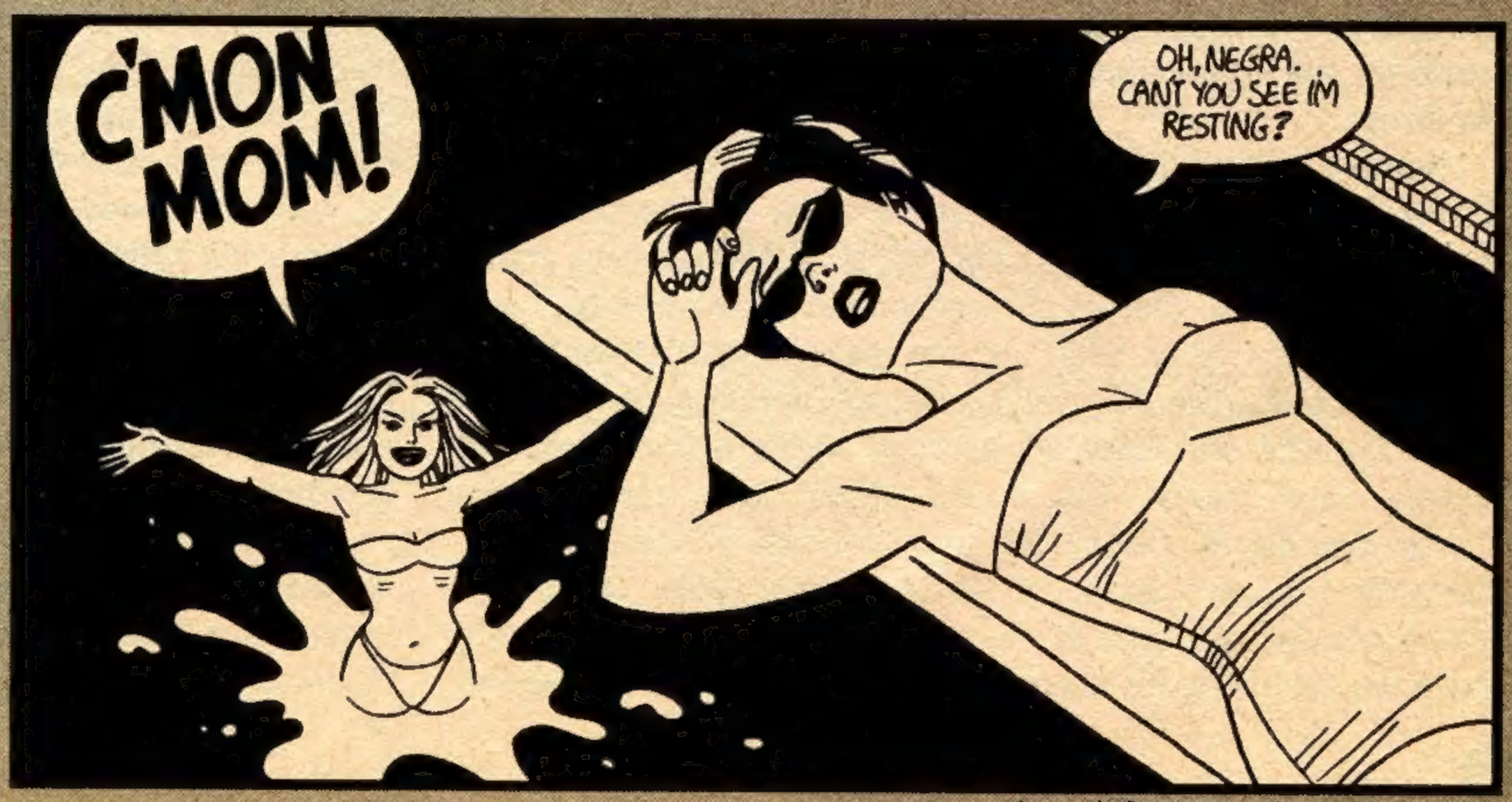
AND SUPPORT THE CBLDF WHILE YOU'RE AT IT!

Call 1-800-99-CBLDF for more info today!

And don't miss the star-studded ALOHA PARTY at Wondercon on Saturday April 8!

Making Waves is sponsored by *The Comics Journal*, Cartoon Books, Dark Horse Comics, Diamond Comic Distributors, Drawn & Quarterly, NBM Publishing, NextPlanetOver.com, Oni Press, Sirius Entertainment, Slave Labor Graphics, and Wondercon.



Artwork © 1998 by Jamie Hernandez

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Lillian Allen
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Rick Atwood
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Matt Ferguson
Jonathan Ferrell
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Hershal Notsinneh
Eric Nussbaum
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There's no better way to show your support of free expression in comics than becoming a Member of the CBLDF. A large and active membership ensures our ability to advocate for the medium and fund the defense of comics in court. The annual dues are only **$25,** and every dollar goes to our War-Chest for future cases.

Since the launch of our Membership Drive in April, more than 1,300 fans and professionals have stepped forward in support. Our goal is to sign up **5,000** members by 2001. With your help, we can preserve comics as a medium for artistic expression in the next millennium. You can join us with the form on our back cover, calling **1-800-99-CBLDF**, or at **www.cbldf.org**. New Members will receive the 2000 Member Card, featuring artwork by **Evan Dorkin** and **Sarah Dyer**—your ticket to Members Only events across the country.

This issue's roll call of new Members includes everyone who joined the Fund between **October 1, 1999** and **February 15, 2000**. We'd like to thank each and every one of you for your support and dedication to the future of comics.

TROUBLE IN TEXAS *(continued from page 3)*

of *Pokemon* cards. "You'll regret this," she had exclaimed, storming out of the store. "I know very important people. All I'd have to do is tell them what you're selling here."

CBLDF legal counsel Burton Joseph contacted the retailer's lawyer, and together they worked out strategies to handle possible ramifications. The retailer's lawyer made inquiries of the city council to determine if an investigation was underway, or if any complaints had been made about the store. Neither the council staff nor the local authorities returned phone calls or responded to letters.

Nothing further occurred until January. The retailer had just spoken to the CBLDF to report that the whole incident seemed to have blown over. Three days later, the store manager was arrested in the store on charges of displaying obscene material.

Bail was posted at $500 and the manager was released from police custody. The criminal charge was for displaying *Demon Beast Invasion: The Fallen* #2, an adult manga title published by Central Park Media. The book, which bears the warning "Absolutely Not for Children!!!" in bold letters on the cover, was racked in the adult section at the back of the store. The retailer had purchased one copy of the book in October 1998 for a subscription customer. It's believed that the customer, deciding not to purchase the title, simply put it back on the shelf. It remained in the adult section until September 1999, when it was purchased by an undercover police officer who, needless to say, was an adult. An arrest warrant was issued for the store manager shortly thereafter, but it was not served until four months later, when the manager was taken away on new comics day.

If the arrest warrant was the result of a disgruntled mother's complaint, this is another case in which the censorship of comics has little or nothing to do with comics. It's not the result of genuine moral, ethical, or religious objection to the material in the comics. The charge of obscenity is just a convenient and powerful means to an end: in this case, revenge over a perceived mark-up on a highly collectible card. Obscenity becomes a tool with which to bring public action to bear on a private grievance. But for the comic collector or retailer who's on the receiving end of such a charge, the causes are of invariably less concern than the results. Obscenity charges, well-founded or not, still carry an enormous public stigma, hefty fines, and considerable jail time.

At press time, the arraignment is months away. The CBLDF has worked to coordinate legal counsel and hopes to have the case dismissed in court. Still, it be may be a long and expensive trial – considerably more expensive than the rarest *Pokemon* card.

CBLDF T-Shirts are a $20 donation and 100% cotton.

INDEPENDENT VOICES #2
Featuring a cover by **Joseph Michael Linsner**, this new 48-page benefit book is bursting at the seams with fresh talent! With new stories by **Dave Napoliello**, **Vince Sneed**, and more. Published by Peregrine Entertainment. $3 donation.

SANDMAN: THE DREAMHUNTERS
Neil Gaiman and **Yoshitaka Amano** gave the world a new ***Sandman*** story with *The Dreamhunters*. What's more, they presented the Fund with 500 signed copies of this beautiful hardcover book. $50 donation.

MILK & CHEESE SHIRT
It takes a nation of millions to hold them back! **Milk & Cheese**, dairy products gone bad, raise their fists for the Fund. From the militant mind of **Evan Dorkin**, color by **Sarah Dyer**. Sizes L, XL, XXL.

JOSEPH LINSNER SHIRT
How many licks does it take to prove that "Censorship Sucks"? **Joseph Michael Linsner** (***Dawn***) is renowned for his paintings of beautiful women, and this provocative lass is no exception! Full-color artwork on white tee, sizes L, XL, XXL.

THE EIGHTH DEADLY SIN SHIRT
Linda Medley, creator of ***Castle Waiting***, makes a powerful statement about the evils of censorship with this spooky book-burning scene. Blood red art on black tee. Sizes L, XL, XXL.

MORE CBLDF BOOKS & COMICS!

GODS & TULIPS: **Neil Gaiman** offers an insider's look at comics in this collection of speeches and essays, featuring a macabre cover painting by **Michael Wm. Kaluta** and illustrations by **Chester Brown**. Published by Westhampton House. $3 donation.

MURDER BY CROWQUILL: This 200 page book delivers 20 spine-tingling tales as comics' most innovative creators take a stab at mystery! **Tim Truman**, **Joe Lansdale**, and more contribute to this Amazing Montage collection. $10 donation.

FREE SPEECHES: Collects the most important speeches about comics and censorship by **Frank Miller**, **Dave Sim**, **Neil Gaiman**, and ACLU President **Nadine Strossen**, with art by a who's who of comics' best! Published by Oni Press. $3 donation.

THE SIMPSONS #39: Comic Book Legal Defense FUN with the Simpsons! **Mark Waid** says "I burned my *Watchmen*. *The Dark Knight Returns* is in the trash. This is the greatest comic of all time." By **Scott Gimple** and **Phil Ortiz**, published by Bongo Comics. $3 donation.

MILLER "MARV AS SPAWN" PRINT
A cross-over dream come true! Marv, the star of **Frank Miller**'s *Sin City*, back from the dead as the new **Spawn**! Signed by Miller. Black & white, 9" by 11". $10 donation.

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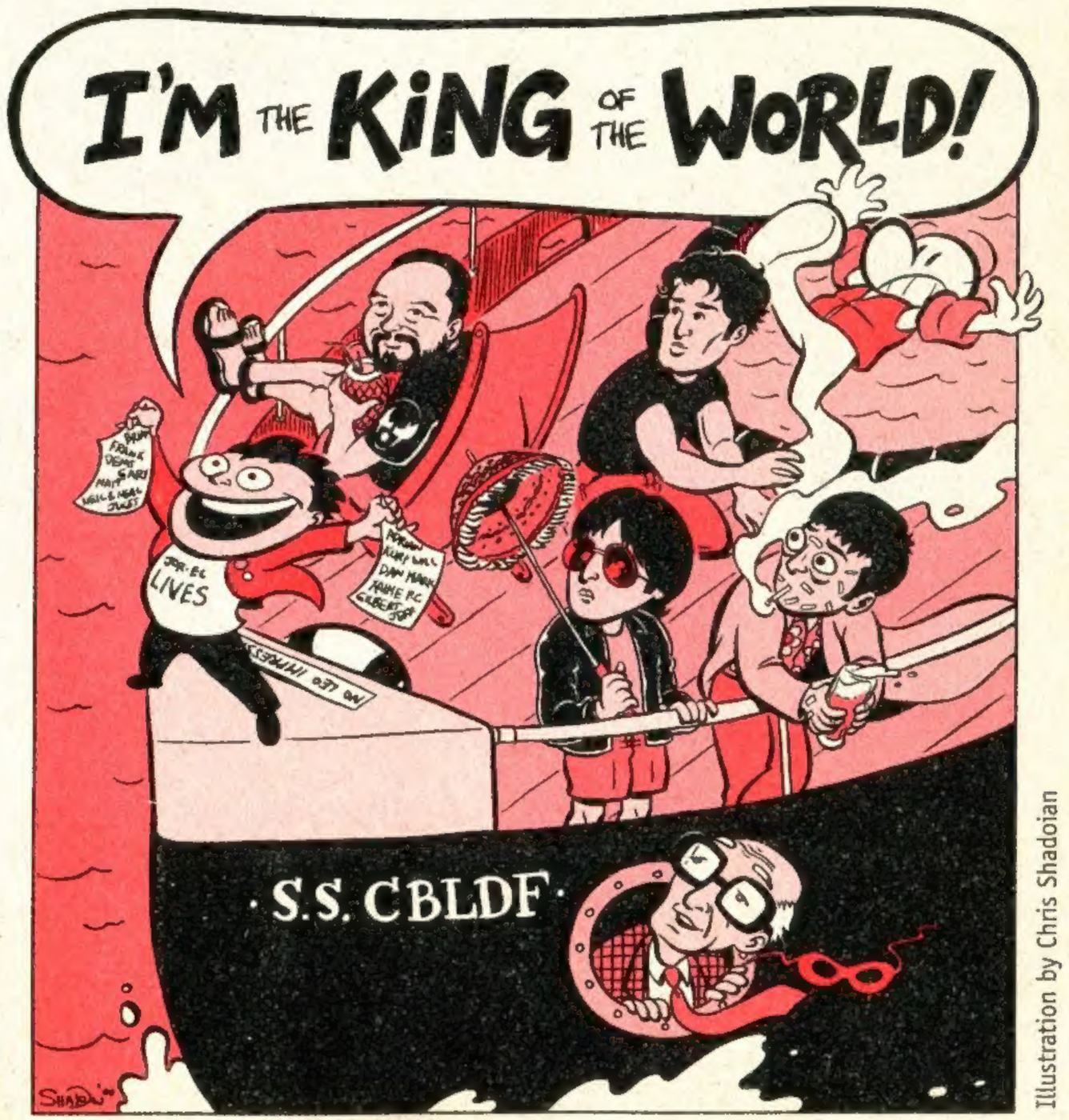

Illustration by Chris Shadoian

An Ev

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